

EXHIBIT "B"

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER BECK CORPORATION d/b/a) CIVIL ACTION
THE RAINBOW INN,)
Plaintiff,) No. 04-348 - ERIE
vs.) Judge Maurice B. Cohill, Jr.
SAFECO CORPORATION, AMERICAN)
ECONOMY INSURANCE COMPANY)
and AMERICAN STATES INSURANCE)
COMPANY,)
Defendants.)

RULE 26(a)(1) DISCLOSURES OF THE DEFENDANTS

AND NOW, come the Defendants, Safeco Corporation, American Economy Insurance Company and American States Insurance Company by their attorneys, Marshall, Dennehey, Warner, Coleman & Goggin and submits the following disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure:

I. RULE 26(a)(1)(A)

The following individuals are likely to have discoverable information that the defendant may use to support the defenses raised in the within action:

1. Paul Smith; employee of Defendant Safeco/American States Insurance Company; Phone Number (330)757-9403. Mr. Smith was the adjuster that handled this claim on behalf of the Defendants. Mr. Smith has knowledge of the facts of the fire and the applicability of the relevant insurance policy. Additionally, Mr. Smith has knowledge concerning the investigation of the fire loss and the inspection of the subject property.
2. Kathy A. London; employee/representative of the Defendants. Ms. London is the claims person for the Defendant involved in the instant litigation. Ms. London may have information concerning the investigation of the fire and the

determination of coverage under the policy. Also Ms. London has knowledge concerning the litigation matters involved in the instant action.

3. Deborah J. Morshead; employee/representative of Safeco Insurance Company. Ms. Morshead has information concerning a loss control survey and property inspection of May 9, 2002.
4. John W. Carney; employee/representative of the Defendants. Mr. Carney may have discoverable information concerning the underwriting of the applicable policy.
5. Janet K. King; employee/representative of the Defendants. Ms. King may have discoverable information concerning the underwriting of the applicable policy.
6. Various individuals identified in the attached documents who are employees/representatives of the Defendants and may have discoverable information concerning the various underwriting aspects and history of the subject policy.
7. Pennsylvania State Police Office Charles Gross; may have knowledge and information discoverable concerning the investigation of the fire loss and the completion of the Fire Report No. C05-0765280.
8. Brian J. Churchwell and James P. Churchwell; representatives of Churchwell Fire Consultants, Inc.; 564 E. Hines Hill Road, Hudson, OH 44236; (330) 342-3900. Churchwell Fire Consultants, Inc. performed an examination of the fire scene on December 6, 2003 at the request of Paul Smith of Safeco Insurance Company. Messrs. Churchwell may have information concerning the preparation of the report and their observations during their examination of the fire scene.
9. Craig A. Balliet and Margaret A. Balliet – Barker & Herbert Analytical Laboratories, Inc.; 270 Main Street, P.O. Box 438, New Haven, IN 46774; (260) 749-0124. Mr. and Ms. Balliet performed testing on samples of debris taken from the fire scene. Mr. and Ms. Balliet would have knowledge concerning the results of that testing.
10. Those individuals and entities identified in the Plaintiff's Rule 26(a)(1) disclosures which are incorporated herein by reference.
11. The Defendants reserve the right to supplement the identification of individuals who may have discoverable information concerning this action as the within action progresses.

II. RULE 26(a)(1)(B)

The following documents and/or categories of documents in the Defendants' possession may be used by the Defendant to support the basis for the defenses asserted in this action.

1. The electronic underwriting file maintained by the Defendants. A copy of this file is attached as Exhibit "A".
2. Various correspondence between Harold T. Beck and Paul Smith of Safeco Insurance Company. Copies of those documents are attached as Exhibit "B".
3. Loss control survey of Deborah Moreshead. A copy of this survey is attached as Exhibit "C".
4. The February 13, 2004 report of Churchwell Fire Consultants, Inc. A copy of said report is attached as Exhibit "D". (The text of the report, pages 1 through 12 are provided. Pages 13 through 76 contain color photographs of the fire scene. The photographs are available to the Plaintiff's counsel for inspection and copying at Defendants' counsel's office located at 2900 U.S. Steel Tower, Pittsburgh, PA 15219).
5. A recorded statement of Harold T. Beck. A copy is attached as Exhibit "E".
6. The testing report of Barker & Herbert Analytical Laboratories dated December 18, 2003. A copy is attached as Exhibit "F".
7. At the present time, the Defendants do not have a copy of the State Police Fire Report No. C05-0765280. However, the Defendants are in the process of obtaining a copy of the report pursuant to subpoena. The Plaintiff can also obtain a copy of the report by subpoena to the Pennsylvania State Police, Department Headquarters, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110 (Attention: Supervisor, Policies & Procedures Section).

8. Additionally, the Defendants are in possession of numerous photographs taken by Churchwell during their inspection of the fire scene which were not included in the Churchwell report. These photographs are available for inspection and copying by the Plaintiff at Defendants' counsel's office.

9. The Defendants reserve the right to supplement the identification of documents which may be used by the Defendants to support their defenses in this action as this litigation progresses.

III. RULE 26(a)(1)(C)

1. The Defendant is not making a claim for damages in this action and therefore has no information applicable to this topic.

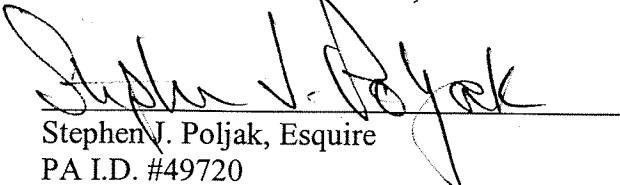
IV. RULE 26(a)(1)(D)

1. An applicable copy of the subject insurance policy is attached hereto as Exhibit "G".

The Defendants reserve the right to supplement the information contained in this Rule 26(a)(1) disclosure as additional information becomes known and/or available through the course of this litigation.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**



Stephen J. Poljak, Esquire
PA I.D. #49720
Attorney for Defendants

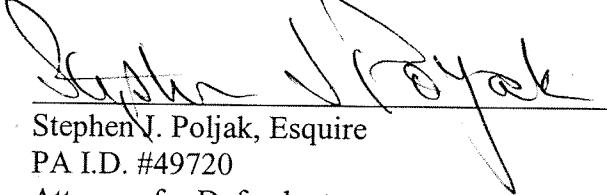
2900 U.S. Steel Tower
Pittsburgh, PA 15219
(412) 803-1140

CERTIFICATE OF SERVICE

I hereby certify that I have served upon all person(s) listed below a true and correct copy of the **RULE 26(a)(1) DISCLOSURES OF THE DEFENDANTS** in the above-captioned matter by U.S. First-Class Mail, postage prepaid, this 30th day of January, 2005.

Richard T. Victoria, Esquire
Joshua R. Lorenz, Esquire
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